



0508-1037  
PATENT

#9  
Election  
6.12.03

IN THE U.S. PATENT AND TRADEMARK OFFICE

In re application of:

Jeannine CHOPPIN et al.

Appl. No.: 09/980,523

Filed: April 29, 2002

Conf.: 5483

Group: 1648

Examiner: Ali Reza Salima

POLYPEPTIC PROTEIN FRAGMENTS  
OF THE E6 AND E7 PROTEINS OF HPV,  
THEIR PRODUCTION AND THEIR USE  
PARTICULARLY IN VACCINATION

RECEIVED  
JUN 11 2003  
TECH CENTER 1600/2900

RESPONSE

Assistant Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

June 9, 2003

Sir:

Responsive to the restriction requirement set forth in the outstanding Official Action of April 7, 2003, Applicants hereby provisionally elect Group I, claims 1-8 drawn to polypeptidic fragments of E6, with traverse.

Responsive to the election of species requirement, Applicants provisionally elect the substitution mechanism. It is believed that claims 1, 2, 3, 4 and 6 read on the provisionally elected species.

Applicants believe that the Official Action fails to satisfy its burden in showing a lack of unity. The Examiner's attention is respectfully directed to MPEP §1893.03(d) that

provides when imposing a lack of unity of invention requirement, the Patent Office Action must provide the following:

- 1) a list of the different groups of claims, and
- 2) an explanation as to why each group lacks unity with each other group (i.e., why there is no single general inventive concept) specifically describing the unique special technical feature in each group.

While the Official Action imposes a ten-way restriction requirement, applicants believe that the Official Action fails to provide an explanation as to why each group lacks unity with each other group.

Applicants further believe that the Official Action fails to show the unique special technical feature in each group. Indeed, a group of inventions is considered linked to form a single general inventive concept where there is a technical relationship among the inventions that involves at least one common or corresponding special technical feature. The expression special technical features is defined as meaning those technical features that define the contribution which each claimed invention, considered as a whole, makes over the prior art.

Application No. 09/980,523  
Response dated June 9, 2003  
Reply to Office Action of April 7, 2003  
Docket No. 0508-1037

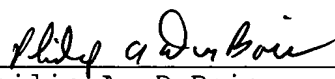
While the Official Action does cite to Muller et al, the Official Action is completely silent as to why polyepitopic fragments of E6 and E7 cannot be examined together in the same patent application. In fact, it is believed that Muller et al fails to provide any explanation or reason as to why any of the groups lack unity. As a result, it is believed that the Official Action fails to satisfy its burden in showing a proper lack of unity between the claims.

In light of the above discussion, it is believed to be apparent that the restriction requirement set forth in the Official Action of April 7, 2003 is improper and must be withdrawn. Favorable action on the merits of claims 1, 2 and 24 in their full scope is therefore respectfully requested.

Respectfully submitted,

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PD/bsg  
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